

**DUDLEY METROPOLITAN BOROUGH COUNCIL**

**CABINET – 15<sup>TH</sup> JUNE 2005**

**REPORT OF THE DIRECTOR OF HOUSING**

**ANTI-SOCIAL BEHAVIOUR**

1.0 Purpose

- 1.1 To report the outcome of correspondence with the Deputy Prime Minister, John Prescott, requesting a review of certain legislation relating to anti-social behaviour.

2. Background

- 2.1 A report by the Director of Housing was presented to the Dudley Area Committee on 4<sup>th</sup> November 2004 on options available to the Housing Directorate to combat anti-social behaviour.

- 2.2 Members of the Dudley Area Committee resolved:-

“That, as the combating of anti-social behaviour was considered to be a national issue, the Executive be recommended to agree to the submission of a letter to the Home Office requesting changes in the law so that Local Housing Authorities could be granted the powers to deal with more effectively and more quickly tenants displaying anti-social behaviour”.

- 2.3 As this was solely a Housing Directorate matter it was referred to the Cabinet Member for Housing for his consideration.

3. Outcome

- 3.1 Councillor Michael Evans met with representatives from the Directorates of Law & Property and Housing and identified three serious concerns with current legislation.
- a) Section 93 of the Housing Act 1985 allows secure council tenants to take in lodgers without the consent of the Local Authority.
  - b) There were no legal restrictions on Registered Social Landlords to prevent them offering tenancies to people previously evicted by the Local Authority for anti-social behaviour/neighbour nuisance.
  - c) The lack of guidance to Judges as to the circumstances in which possession orders should be suspended and in particular the use of suspended orders in cases of anti-social behaviour/neighbour nuisance.

3.2 Correspondence was sent to John Prescott, Deputy Prime Minister, on the 10<sup>th</sup> February 2005. A response was received from Yvette Cooper MP, Parliamentary Under Secretary of State who has specific responsibility for this area of work.

3.3 Appendix 'A' to this report identifies the requested changes and the Government responses.

3.4 Appendix 'B' contains copies of the actual correspondence.

#### 4. Conclusions

4.1 The Office of the Deputy Prime Minister is confident that there are sufficient tools available to the Local Authority to tackle anti-social behaviour and are not minded at this time to make any legislative changes. Cabinet can be assured that Dudley is fully aware of the range of remedies available and makes full use of them.

4.2 Although, as stated, Registered Social Landlords are independent bodies, we do liaise with RSLs who are equally concerned about tackling anti-social behaviour and we do try and work in partnership.

4.3 The Office of the Deputy Prime Minister felt it inappropriate to instruct judges on suspension of possession orders as decisions had to be made according to the circumstances of each individual case.

#### 5. Proposal

5.1 Members are asked to note the contents of the report.

#### 6. Finance

6.1 This report, in itself, has no financial implications.

#### 7. Law

7.1 The legislation considered in this report is contained within Sections 85 and 93 of the Housing Act 1985.

7.2 Registered Social Landlords are regulated by the Housing Corporation.

#### 8. Equal Opportunities

8.1 The report, in itself, does not have any implications for this Council's Equal Opportunities Policy.

9. Recommendation

9.1 Note the contents of the report.

A handwritten signature in black ink, appearing to read 'J. Stringer', with a horizontal line underneath.

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John Stringer  
Director of Housing  
Contact Officer: Diane Channings ext. 5063